IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 18TH DECEMBER 2006 / 27TH AGRAHAYANA 1928

Bail Appl..No. 7093 of 2006()

CMP.11241/2006 of J.M.F.C.-I,KOTTARAKKARA
CR.NO.193/06 OF KOTTARAKKARA EXCISE RANGE.

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PETITIONER/ACCUSED:

RADHAMMA,
D/O.NARAYANI, BIJUBHAVANAM,
INCHAKKADU MURI, KALAYAPURAM VILLAGE,
KOTTARAKKARA.

BY ADV. SRI.K.V.ANIL KUMAR

RESPONDENT: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.7093 OF 2006

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DATED THIS THE 18TH DAY OF DECEMBER, 2006

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioner, a lady, who is the accused in C.R.No.193/06 of Kottarakkara Excise Range for offences punishable under Sections 8(1) and 8(2) of the Abkari Act for having been found in possession of 20 liters of arrack on 17.10.2006, seeks her enlargement on bail. The petitioner was arrested on the same day.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor. Learned Public Prosecutor admitted that no final report has been laid even after 60 days of detention of the petitioner in judicial custody. If so, by virtue of the proviso to section 167(2) Cr.P.C., the petitioner is entitled to bail as of right.

3. Accordingly, the petitioner is directed to be released on bail on her executing a bond for Rs.20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-I, Kottarakkara and subject to the following conditions:

1. The petitioner shall not influence or intimidate the prosecution witnesses nor shall she attempt to tamper with the evidence for the prosecution.

2. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to her shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn